



Order Filed on May 15, 2017 by
Clerk U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) CHIESA SHAHINIAN & GIANTOMASI PC One Boland Drive West Orange, New Jersey 07052 (973) 530-2012 Michael R. Caruso, Esq. (mcaruso@csglaw.com) Frank Peretore, Esq. (fperetore@csglaw.com) <i>Attorneys for Continental Bank</i>	
In re: XIOMARA RHEE PACHECO, Debtor.	Case No. 17-15549 (JKS) Chapter 13 Honorable John K. Sherwood

**ORDER GRANTING CONTINENTAL BANK: (I) RELIEF FROM THE
AUTOMATIC STAY, FOR "CAUSE", PURSUANT TO 11 U.S.C. § 362(d)(1) AND
WAIVING THE STAY OF FED. R. BANKR. P. 4001(a)(3); AND (II) SUCH
OTHER OR FURTHER RELIEF AS MAY BE APPROPRIATE.**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: May 15, 2017


Honorable John K. Sherwood
United States Bankruptcy Court

Debtor: XIOMARA RHEE PACHECO
Case No.: 17-15549 (JKS)
Caption of Order: Order Granting Continental Bank: (I) Relief from the Automatic Stay, For “Cause”, Pursuant to 11 U.S.C. § 362(d)(1) and Waiving the Stay of Fed. R. Bankr. P. 4001(a)(3); And (II) Such Other or Further Relief as May Be Appropriate.

THIS MATTER having been presented to the Court by Chiesa Shahinian & Giantomasi PC, attorneys for Continental Bank, with proper and adequate notice having been given, for the entry of an Order granting it: (i) relief from the automatic stay, for “cause”, pursuant to 11 U.S.C. § 362(d)(1) and waiving the stay of Fed. R. Bankr. P. 4001(a)(3); and (ii) such other or further relief as may be appropriate (the “**Motion**”); and the Court having considered the moving papers, opposition, if any, and arguments of counsel; and good and sufficient cause appearing for the granting of the relief as set forth herein,

IT IS ORDERED as follows:

1. Continental Bank’s Motion is GRANTED as provided herein.
2. The automatic stay imposed by 11 U.S.C. § 362 is hereby terminated and vacated, as to Continental Bank, in order to permit Continental Bank to pursue any and all proceedings to foreclose and liquidate the mortgage lien and security interests it holds against Debtor’s real and personal property located at 781 Avenue A, Bayonne (Hudson County), New Jersey (Block 141, Lot 22), including all collateral and improvements thereon (collectively, the “**Mortgaged Property**”), unfettered and unrestricted by Debtor’s bankruptcy, under any chapter of the bankruptcy code, and without further order of this Court.
3. Continental Bank shall have the right to execute upon a foreclosure judgment against the Mortgaged Property at a sheriff’s sale, or otherwise, without further order of this Court.

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4. The co-debtor stay of 11 U.S.C. § 1301(a) does not apply to Javier Pacheco as guarantor of the Continental Bank's commercial loan to the Debtor and/or to the pending action titled Continental Bank, Plaintiff, v. Javier Pacheco, Defendant, Superior Court of New Jersey, Law Division, Hudson County, HUD-L-317-17.

5. Debtor shall forthwith provide Continental Bank access to the entire Mortgaged Property (interior and exterior) for purpose of conducting inspections, obtaining appraisals, or performing other site assessments.

6. Nothing in this Order shall be deemed or construed as imposing on Continental Bank the status of a mortgagee-in-possession.

7. This Order is binding upon the Debtor, Debtor's creditors, the Office of the United States Trustee, the Chapter 13 Trustee and upon any subsequent trustee appointed in this case.

8. This Order shall be effective and enforceable immediately upon entry. Therefore, the stay provided for under Bankruptcy Rule 4001(a)(3) shall not apply.

9. Continental Bank's counsel shall serve a copy of this Order on the Debtor, Debtor's counsel, the Office of the United States Trustee, the Chapter 13 Trustee and any other party that has entered an appearance on the Motion.